

2413 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-0703  
(202) 225-3661

59 ELM STREET  
SECOND FLOOR  
NEW HAVEN, CT 06510  
(203) 562-3718

DURHAM/MIDDLEFIELD/MIDDLETOWN  
(860) 344-1159

WEBSITE: [HTTP://DELAURO.HOUSE.GOV](http://DELAURO.HOUSE.GOV)



UNITED STATES  
HOUSE OF REPRESENTATIVES

ROSA L. DELAURO

3RD DISTRICT, CONNECTICUT

CO-CHAIR, DEMOCRATIC STEERING AND  
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AND RELATED AGENCIES

COMMITTEE ON THE BUDGET

November 12, 2020

The Honorable Eugene Scalia  
Secretary, U.S. Department of Labor  
200 Constitution Ave NW  
Washington, DC 20210

Dear Secretary Scalia:

I write to urge you to recuse yourself from all matters related to the Department of Labor's anti-discrimination law enforcement action against the Oracle Corporation. I also urge you to order the recusal of Deputy Secretary of Labor Patrick Pizzella and Solicitor of Labor Kate O'Scannlain from all matters related to that action.

As you know, the U.S. Office of Special Counsel (OSC) is currently investigating allegations by Regional Solicitor for the San Francisco Office Janet Herold that you and Deputy Secretary Pizzella retaliated against her by involuntarily reassigning her from the Office of the Solicitor to the Occupational Safety and Health Administration because of her objections to your improper involvement in the Oracle enforcement action. It has been reported that your improper involvement included communications between Oracle and you through a former legal colleague who served as a go-between, and that this former colleague called you at home to discuss Oracle's interest in a settlement, ensuring that the communication did not appear in government logs.<sup>i</sup> Solicitor of Labor O'Scannlain is also reported to have facilitated your improper involvement in the Oracle enforcement action and to have carried out the forced reassignment directed by you and Deputy Secretary Pizzella.<sup>ii</sup>

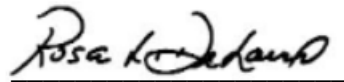
In September 2020, OSC made an initial determination that there were "reasonable grounds" to believe that Ms. Herold's involuntary reassignment was retaliatory and sought a stay of the reassignment. Based on my review of the evidence in this matter, I share the OSC's assessment that Ms. Herold's reassignment may be retaliatory, particularly because your office has yet to provide a satisfactory explanation for her transfer.

In light of the alleged misconduct related to the Oracle enforcement action by the Department's three highest-ranking appointees and the ongoing OSC investigation, it is imperative that the Department's actions in the Oracle enforcement action are beyond impeachment. The American people need to have confidence that its law enforcement officials are making decisions based on

the rule of law—not to advance the interests of a politically connected few.

Going forward you must refrain from any direct or indirect participation in or influence over any of the Department's actions related to the Oracle enforcement action, including its upcoming decision regarding whether to appeal the recent recommended order from the administrative law judge. Your recusal, along with that of the Deputy Secretary and the Solicitor of Labor, will ensure that there is no question as to the integrity of the Department's handling of this important enforcement action.

Sincerely,

A handwritten signature in black ink, appearing to read "Rosa L. DeLauro", written in a cursive style.

Rosa L. DeLauro

Chair

Subcommittee on Labor,

Health and Human Services, Education, and Related Agencies

House Committee on Appropriations

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<sup>i</sup> Eyal Press, "Trump's Labor Secretary is a Wrecking Ball Aimed at Workers," The New Yorker, October 19, 2020. <https://www.newyorker.com/magazine/2020/10/26/trumps-labor-secretary-is-a-wrecking-ball-aimed-at-workers>.

<sup>ii</sup> Ben Penn and Paige Smith, "Federal Litigator Behind Oracle Lawsuit Being Reassigned by DOL," Bloomberg Law, August 10, 2020. <https://news.bloomberglaw.com/daily-labor-report/federal-litigator-behind-oracle-lawsuit-being-reassigned-by-dol>.